

FINAL REPORT

PENJAJAWOC MARSH/BANGOR MALL TASK FORCE

MAY 2005

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BACKGROUND AND INTRODUCTION

In recent years, recognition of the value of the ecosystem and habitat surrounding the Penjajawoc Marsh has been growing, particularly as development has continued to occur in areas near the Marsh. This has raised a set of issues that have brought forward differing views on how best to protect this environmental resource while recognizing the rights of property owners in the area to continue traditional uses on their properties and the objectives of the City of Bangor of retaining its position as the major service center in Northern and Eastern Maine and continuing to expand its tax base.

These issues came to general public attention several years ago when a major commercial development was proposed for an area abutting the Penjajawoc Stream/Marsh complex. After several years of controversy, the State Board of Environmental Protection eventually denied a State Location of Development Permit for this project. This decision resulted in a level of uncertainty about what could and could not be permitted in this area.

In spite of the uncertainties resulting from the decision of the Board of Environmental Protection, commercial development activity has continued in the Stillwater Avenue/Hogan Road/Bangor Mall area, and interest in future development in this part of the City remains strong. Development activity raises a number of issues including land use policy, environmental impacts, and traffic generation. For the last several years, development projects proposed for this area have been handled on a case by case basis and without a general consensus from all stakeholders regarding the policies required to guide future development and preservation.

THE TASK FORCE

In September 2004, the Bangor City Council adopted an Order creating a Task Force to address this area and make recommendations on the policies that the City should adopt to guide future development and conservation activities in this area. The Task Force includes representatives of landowners, developers with an interest in the area, the Bangor Land Trust, other environmental organizations, and the City of Bangor.

Over the past several months the Task Force has worked diligently to address issues and interests in this area. The initial efforts of the Task Force were

focused on defining the study area, reviewing considerable pertinent information, and drafting proposed land use policies. The Task Force subsequently directed its attention to the traffic challenges and needs associated with continued development. Of particular interest to the group was exploring possible options to the proposed "Parallel Service Road". Throughout its work, the Task Force also developed additional recommendations designed to assist in the implementation of its recommendations and to insure the future appropriate management of this area.

The recommendations found below fall into three major categories: land use policy, transportation, and public access to and management of the resource. They represent a consensus of the members of the Task Force and were arrived at through a lengthy series of meetings and detailed discussion characterized by creative problem solving and a willingness to compromise on the part of all of its members. As such, these recommendations are brought forward as a package. It is essential, therefore, that all of the recommendations be adopted and implemented in order to preserve and forward the work of the Task Force and to insure the continued support of all of the interests represented within it.

DEFINITION OF STUDY AREA

The initial effort of the Task Force was to seek agreement on the boundaries of the area to be included in its work. Agreement was reached on the area to be included, as shown in Attachment 1. Generally, the study area runs from the intersection of Stillwater and I-95 Northeast along Stillwater Avenue to Kittredge Road, follows Kittredge Road to the Bangor Hydro power line easement, follows that easement until the point where it turns to the North, then runs southwesterly in a straight line to an angle point in Essex Street approximately 2500 feet southerly from Fox Hollow, then follows Essex Street South to I-95, and then east along I-95 to Stillwater Avenue.

The majority of this area is currently zoned Rural Residence and Agriculture. However, the City's current comprehensive plan identifies portions of this area for potential future commercial development, especially along the Stillwater/Kittredge Road corridor.

RECOMMENDATIONS ON LAND USE POLICY

FUTURE BOUNDARIES FOR COMMERCIAL USE

The Comprehensive Plan's Land Use Concepts map provides a general definition of the locations within the study area where commercial growth could be expected in the future. The Task Force, however, determined that these

boundaries were not specific enough to provide clear guidance. As a result, the Task Force has further defined and clarified the eventual commercial boundary, including the extent of buffer that should be maintained between the edge of such uses and the Penjajawoc Stream/Marsh. This recommendation is graphically presented in Attachment 2.

Generally, the Task Force recommends that commercial development to the South of the Stream/Marsh be limited to the Widewaters property (already zoned commercial) and a smaller area adjacent to Gilman Road. In all instances, commercial development in this area will require a minimum 250-foot setback from the Stream/Marsh.

To the North and East of the Stream/Marsh, commercial development would be allowed up to and including the larger of the two Davis properties fronting on Kittredge Road. Commercial setbacks from the stream/marsh in this area vary somewhat depending upon the parcel and the configuration of the adjacent wetland. In most areas, however, this setback is in the range of 600 feet.

Areas located between the property that may eventually be zoned for commercial development and the Stream/Marsh should remain zoned as Rural Resource and Agriculture and be subject, except where noted below, to the recommendations of the Task Force regarding residential development in the study area.

During the Task Force process, several development projects were in the planning stage, included a new development proposal for the Widewaters property located west of Stillwater and South of the Stream, and the W/S property located to the North and East of the Stream/Marsh. Meetings and discussions between these developers and those concerned with the preservation of the Marsh/Stream have been on-going in an effort to adjust the proposed developments to meet the goals of preserving environmental values and habitat. These meetings have been productive. The Task Force recommends that the City continue to urge potential developers and representatives of local environmental groups to meet early in the planning process. The intent of this recommendation is to insure that proposed site developments, as they move forward, take into account, to the extent feasible, environmental and habitat considerations. This subject is further addressed below under the section of the report on management and access.

RESIDENTIAL DEVELOPMENT

While the majority of attention has been focused on commercial development in the Mall area, most of the study area is currently zoned residential and is likely to

be residentially developed. This includes all of the property fronting on Essex Street and a substantial amount of property fronting on Kittredge.

Under the City's current zoning, most of this area can be subdivided for residential development with minimum 1.5-acre lots with a minimum lot width of 200 feet. Recognizing that the City's resource protection zone around the Marsh extends 75 feet from the upland edge of the wetlands, structures can currently be built in relative proximity to the marsh, creating a potential for habitat disruption and water quality degradation. At the same time, traditional agricultural and timber harvesting uses have taken place on these properties for generations, and these rights should be protected.

As a result of these and other considerations, the Task Force makes the following recommendations:

1. Maintain the current Resource Protection Zone around the Marsh.
2. Establish a new "no building" zone extending 175 feet from the current Resource Protection Zone. Traditional uses would be allowed in this area, but no buildings would be permitted.
3. Require that subdivisions be "clustered" to reduce densities on the portion of the subdivision closest to the marsh. The number of lots permitted on any parcel would remain the same as the number allowed in the Rural Residence and Agricultural Zone, i.e., one lot per 1.5 acres/200 foot lot width. Minimum lot size should be 1 acre/150 foot lot width, unless the properties are served by water or sewer or the developer documents that smaller lots can be adequately served by subsurface wastewater disposal systems and wells. In such instances, minimum lot size may be reduced to no less than 10,000 square feet/75 foot lot width or the minimums required by the state, whichever is larger. Because of parcel geometry it is very unlikely that subdivision lots can be configured to meet both the minimum lot size and minimum frontage requirements. Accordingly, new subdivision lots should meet at least one of the minimum recommendations for lot size or lot width outlined above.
4. Allow the portion of the subdivided parcel closest to the marsh to remain privately owned, thus permitting traditional uses to continue. If a structure or structures is to be built on such a parcel, they must be located more than 175 feet from the edge of the resource protection zone and the impervious surface and lot coverage ratios should be limited to no more than would be allowed on a single 1.5 acre lot in the Rural Residence and Agricultural Zone.
5. Given that most of the residentially zoned parcels in the study area are long with narrower road frontage, the City should design and adopt policies that promote connectivity between future residential developments. This can be accomplished through dedicating either a potential street right of way to connect to adjacent subdivisions and/or a walking/biking trail easement.

However, Street right-of-way dedications should not be required to serve/connect adjacent parcels unless such parcels can be separately accessed from a public way. Street easements should not be allowed on the parcel or parcels closest to the Marsh or Stream, although walking/biking easements could be allowed in this area. When possible, cul-de-sac designs should be avoided if connections to adjacent parcels can be reasonably made.

RESIDENTIAL DEVELOPMENT ADJACENT TO COMMERCIAL AREAS NORTH AND EAST OF THE STREAM/MARSH

The area currently zoned Rural Residence and Agriculture located to the North and East of the Stream/Marsh and adjacent to areas identified for potential commercial development should be retained as Rural Residence and Agriculture. The four existing relatively small lots immediately adjacent to the stream should be exempted from the 250 foot no structure zone in accordance with existing regulations to allow for limited residential development and avoid regulatory requirements that would overly limit the potential use of these properties.

EXISTING COMMERCIAL PROPERTIES LOCATED ALONG STILLWATER AVENUE

A number of already developed commercial properties exist along the West side of Stillwater Avenue in the immediate vicinity of the Penjajawoc Stream. In order to avoid non-conformities, no changes should be made in the zoning or land use regulations that apply to these properties.

CONSERVATION FUND

While the recommendations advanced above will provide additional protection to the environmental and habitat values associated with the Marsh/Stream, further protection can be provided through the purchase of property and/or conservation easements within the study area and the implementation of water quality improvement projects that may result from the City/DEP study (see Water Quality discussion below). The Task Force recommends that a conservation fund be established through a Tax Increment Financing Program to be established for future commercial development within the study area. As new commercial development occurs, the City should set aside 25% of the new taxes from such development for a period of 10 years, with the resulting funds to be used for the purchase of property or conservation easements, public access projects, and water quality improvement efforts. Property/easements should be acquired only from willing sellers. Priority should be given to grasslands and fields within 1,000 feet of the Marsh/Stream followed by wooded areas within 1,000 feet of the Marsh and then grassland and forested land 1,000 to 2,000 feet from the Marsh/Stream. Initial priority should be given to properties within the Southern section of the study area near Stillwater Avenue. Where conservation easements

are acquired, these should also include, whenever possible, public access easements.

RECOMMENDATIONS FOR TRAFFIC MANAGEMENT

BACKGROUND INFORMATION

In 1998, the Bangor City Council approved the concept of a Parallel Service Road as a proposed future street. At that time, the City Council and Staff felt it was prudent to consider a possible road that would alleviate additional traffic on Stillwater Avenue that could be generated by potential future development in the area. The Land Use Concepts map contained in the City's Comprehensive Plan envisioned a sizeable area on the northwesterly side of Stillwater Avenue that conceivably could be developed, based on availability of services, etc. The Parallel Service Road is depicted on the City's Official Map as a new public street starting on Stillwater Avenue at the I-95 interchange and terminating at the intersection of Hogan Road and Stillwater Avenue. As proposed, the Parallel Service Road would cross the Penjajawoc Stream approximately 1250 feet northwesterly of Stillwater Avenue. With the increased understanding and knowledge of the natural resource value of the Penjajawoc Complex that has developed over the last few years, the Parallel Service Road and its stream crossing has raised concerns about potential impacts.

Last year the Bangor Comprehensive Transportation System (BACTS) undertook a detailed traffic study of the Stillwater Avenue Corridor at the City's request. The purpose of the study was to take an in-depth look at current conditions and project future traffic volumes based on the potential growth that could occur over the next 15 years and to develop recommendations on how traffic should be accommodated. The study considered both the residential portion of Stillwater Avenue nearer Broadway and the commercial section to the northwest. Based on potential commercial build-out in the Stillwater area as indicated by the Comprehensive Plan Land Use Policy, the study concluded that the Parallel Service Road would be needed if such build-out actually occurred.

The Land Use Policy recommendations developed by the Task Force were valuable in the consideration of future traffic issues because they more clearly defined the limits of potential growth than the current Comprehensive Plan's Land Use Policy map. Participation in the Task Force by developers that hope to develop commercial projects on land located on both sides of the Penjajawoc Stream northwesterly of Stillwater Avenue was also extremely useful, as they were willing to openly discuss their prospective projects with the group. Both of these factors combined to allow more realistic predictions of future traffic volumes than had previously been available.

The Traffic Consultant that performed the 2004 Stillwater Corridor Study was retained to generate future traffic volumes based on new estimates of commercial growth and to evaluate Task Force suggestions for managing future traffic in the area. Through this process, the Task Force was able to develop the recommendations outlined below. These strategies are intended to manage future traffic growth in the Stillwater Avenue/Hogan Road commercial area.

OPTIMIZE EXISTING CAPACITY AND EFFICIENCY

This approach includes refinement of traffic signal timing and coordination and addition of new traffic signals at key locations where roadway and intersection capacity would be otherwise restricted. Limiting the number of new driveway entrances and combining existing entrances where possible would also preserve existing roadway capacity.

MODIFY EXISTING ROADWAY NETWORK

As traffic volumes increase, it will become necessary to widen existing roadways. Reconfiguration at some locations would also be beneficial. Specific recommendations include:

1. Widening Stillwater Avenue (north of the interchange) to five lanes.
2. Consider modifications to the existing driveway entrances off Stillwater Avenue to improve efficiency, consistent with the 2004 BACTS Stillwater Avenue Corridor Study.
3. Consider improvements to the existing private road adjacent to Best Buy that runs between Bangor Mall Boulevard and Stillwater Avenue. This would allow more direct access between large developments located on either side of Stillwater Avenue. Making this a public street may also be a consideration. Additionally, establishing a new access drive directly opposite the intersection with Stillwater Avenue in conjunction with new development should be considered. This would create a four-way intersection configuration that could be signalized. Implementation of this recommendation should not diminish access opportunity for existing developments or properties beyond what is proposed in the 2004 BACTS Stillwater Avenue Corridor Study.
4. Relocate the lower end of Kittredge Road. This would involve alignment with Hogan Road extending northerly past Crossroads and the Country Inn and then sweeping easterly to connect with the existing Kittredge Road right-of-way. Although longer than the

current alignment, an improved intersection with Stillwater Avenue would enhance safety and provide more efficient access to future development.

5. Reconfigure existing southbound Interstate ramps at Hogan Road. This recommendation involves relocating the southbound off ramp northeasterly and connecting it to Springer Drive in the general vicinity of the existing Wal-Mart entrance. Eliminate the existing off ramp to Hogan Road and construct a new southbound on ramp that would allow northbound Hogan Road traffic to make a right turn to access the Interstate southbound. This ramp reconfiguration would eliminate two left-hand turn movements on Hogan Road. The traffic analysis shows a significant benefit on Hogan Road, which also extends to Stillwater Avenue due to improved traffic circulation. It should be noted that Federal Highway Administration approval will be needed to make such changes.

NEW ROADWAY CONNECTIONS

The full commercial build-out that could occur in conjunction with the Task Force's Land Use Policy recommendations would require construction of new roadway connections in order to maintain acceptable levels of service within the highway network. These connections would create alternate circulation routes and provide direct relief for Stillwater Avenue. Recommended new connections include:

1. Stillwater interchange to Gilman Road

This would include only that portion of the Proposed Parallel Service Road between Stillwater Avenue at the Interstate ramps and Gilman Road. The existing intersection of Gilman Road at Stillwater Avenue would be limited to right turns in and out or possibly be eliminated.

2. New connector between Kittredge Road and Ridgewood Drive

With the likelihood of additional future development northeasterly of Hogan Road, this connector would provide a link between developments. In combination with Hogan Road, Springer Drive, and Longview Drive, it would create a new circulation loop that avoids travel along Stillwater Avenue.

3. Connector between Widewaters and W/S Development sites

This would involve constructing a short new connector road between two large development sites located on the northeasterly side of Stillwater Avenue -- the Widewaters site on the southwesterly side of the Penjajawoc Stream and the W/S site on the northeasterly side. The connector road would be located immediately to the rear of existing development along Stillwater Avenue and would likely require only two lanes. It would involve crossing the stream near the existing private bridge that currently serves an existing residence. While a new stream crossing would be created, it would have significantly less environmental impact than the crossing associated with the current Parallel Service Road concept. The new crossing would allow for elimination and removal of the existing private crossing. Furthermore, the new connector road can and should be designed so that no direct runoff or discharge to the Penjajawoc Stream is created. The site design of the Widewater and W/S development projects would integrate with the new connector to provide a continuous travel route from Gilman Road to Hogan Road and reduce traffic impacts on Stillwater Avenue. This new connector, in conjunction with the preceding recommendations, would eliminate the need for constructing the portion of the currently proposed Parallel Service Road between Gilman Road and Hogan Road. It should be noted that permits from several Regulatory Agencies would be required prior to construction of the connector road.

The recommendations listed above are presented in descending order of priority. The traffic analysis conducted for the Task Force concludes that, by careful implementation of these measures, level of service along Stillwater Avenue and adjacent areas would be equal to or slightly better (in some respects) than current conditions.

While the foregoing recommendations focus on vehicular traffic, the Task Force also supports measures that reduce the need for vehicular travel, including expanded public transportation service, possible shuttle opportunities, and additional pedestrian/bicycle connections.

RECOMMENDATIONS ON PUBLIC ACCESS AND MANAGEMENT

WATER QUALITY

The Task Force strongly supports the current City of Bangor/Maine Department of Environmental Protection study of water quality in the Marsh/Stream. We recommend that various stakeholders, including representatives of the groups included on this Task Force, be included in this effort in accordance with its adopted work plan and schedule. The Task Force believes that this study will produce information and recommendations that will be essential to improving water quality in the Marsh/Stream complex. It should also address steps that can be taken to minimize and reduce water quality impacts resulting from the existing commercial developments within the Task Force's identified study area.

PUBLIC ACCESS

Efforts should continue to provide public access to areas adjacent to the Stream/Marsh. Here again, such access should only be acquired through transactions with willing property owners. Priority should be given to acquisition of public access rights to the abandoned Veazie Railroad bed as a corridor that will link the Essex Street Recreation Area to the City Forest. Where individual property owners are not interested in providing such access on portions of the existing railway bed, efforts should be undertaken to identify alternative routes that will accomplish a continuous link between Essex Street and the City Forest that are acceptable to private property owners.

MANAGEMENT AND ACCESS PLAN

The development of a management and access plan for the Marsh/Stream area is an essential requirement for insuring that the environmental, habitat, ecotourism, and recreational values of this complex are maximized. Such a management plan can identify and prioritize parcels suitable for acquisition or conservation easements, identify parcels that might be acquired by private developers as mitigation for their projects, develop and implement a plan for providing and managing public access, and insure that the potentially competing values of habitat maintenance and recreational use are handled appropriately for the long-term benefit of the environment and the community. A similar approach has been implemented for the Orono Bog Walk.

The Task Force recommends that a Marsh/Stream Conservation and Management Commission be established and tasked to:

- Develop recommendations on the use of the Conservation Fund recommended above

- Develop a Public Access plan to support appropriate recreational and ecotourism uses in the Marsh/Stream complex
- Develop an overall management plan designed to preserve habitat and environmental values while permitting public access and use
- Educate the public on the Marsh/Stream ecosystem and its wildlife
- Provide review and comment on proposed commercial and residential development within the study zone early in the development process to insure that environmental issues are taken into account in the initial site planning process. We envision that this would be similar to the discussions that have taken place within the Task Force regarding commercial developments currently being planned
- Monitor the implementation and effect of the Task Force's recommendations and, where necessary, recommend changes.
- Coordinate with other interested parties on issues and projects involving the Penjajawoc Stream/Marsh complex.
- Research the feasibility of enacting a local ordinance and/or State law regulating invasive species.

The composition of this Commission should mirror that of this task force and include representatives of the Bangor Land Trust, property owners in the study area, the business and development community, the City of Bangor, and other environmental organizations with an interest in this area.

CONCLUSION

The members of the Task Force would like to express their appreciation to the members of the City Council and City staff who supported the formation of this group and their commitment to reaching an agreement on the long-term policies to guide the future of the Marsh/Stream Complex. We would also like to thank Jonathan Reitman for his hard work and effectiveness in facilitating this process.